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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: 2:22-cv-09226-SB-MRW

Date: February 17, 2023

Title: ***Pedro Borja Rodriguez v. Directbuy Home Improvement, Inc. et al.***

Present: The Honorable **STANLEY BLUMENFELD, JR., U.S. District Judge**

Jennifer Graciano
Deputy Clerk

Suzanne McKennon
Court Reporter

Attorney(s) Present for Plaintiff(s):
William Tran

Attorney(s) Present for Defendant(s):
Elizabeth Staggs Wilson

Proceedings: [Minutes of] Motion to Remand and Motion to Compel Arbitration (Dkt. No. 15, 19) (Held and Completed)

Case called and appearances made. The Court hears argument on Plaintiff's pending motion to remand and Defendant's motion to compel arbitration.

The Court DENIES the motion to remand, Dkt. No. [15](#). As discussed on the record, the removal, even if outside of 30 days from the initial pleading, was timely because the complaint did not state an amount in controversy and no subsequent paper filed by Plaintiffs so stated. See [Roth v. CHA Hollywood Med. Ctr., L.P.](#), 720 F.3d 1121, 1125 (9th Cir. 2013) ("We conclude that §§ 1441 and 1446, read together, permit a defendant to remove outside the two thirty-day periods on the basis of its own information, provided that it has not run afoul of either of the thirty-day deadlines."). Defendant has also shown by a preponderance of the evidence, based on its investigation and analysis of Plaintiff's claims, that the amount in controversy exceeds \$5,000,000. [Dart Cherokee Basin Operating Co. v. Owens](#), 574 U.S. 81, 88 (2014); see [Rodriguez v. AT & T Mobility Servs. LLC](#), 728 F.3d 975, 977 (9th Cir. 2013) (applying preponderance standard).

The Court GRANTS the motion to compel arbitration, Dkt. No. [19](#), without opposition. At the hearing, Plaintiff's counsel conceded that Defendant's motion to compel arbitration is meritorious under Ninth Circuit law and stated that Plaintiff therefore does not oppose the motion. Accordingly, this action is hereby DISMISSED without prejudice. See [Johnmohammadi v. Bloomingdale's, Inc.](#), 755 F.3d 1072, 1074 (9th Cir. 2014) (noting that a district court may stay or dismiss an action when all claims are subject to arbitration).

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